



**STATE OF TENNESSEE**  
**DEPARTMENT OF ENVIRONMENT AND CONSERVATION**  
NASHVILLE, TENNESSEE 37243-0435

**SHARI MEGHREBLIAN, PhD**  
COMMISSIONER

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GOVERNOR

January 11, 2019

**Via Electronic Mail to CCR@tva.gov**

Attn: Ashley Farless, NEPA Compliance Specialist  
Tennessee Valley Authority  
1101 Market Street, BR4A-C  
Chattanooga, TN 37402

Dear Ms. Farless:

The Tennessee Department of Environment and Conservation (TDEC) appreciates the opportunity to provide comments on the Tennessee Valley Authority (TVA) Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) to address the potential environmental effects associated with management of coal combustion residual (CCR) material at the Gallatin Fossil Plant (GAF) located near Gallatin in Sumner County, Tennessee. TVA intends for the EIS to address the final disposition of CCR on-site at GAF, support TVA's goal to eliminate wet CCR storage at its plants, and assist TVA in complying with the U.S. Environmental Protection Agency's (EPA's) CCR Rule. The proposed actions would also provide long-term on-site landfill space for operations and/or storage of CCR. TVA will develop and evaluate various alternatives for these actions, including the No Action Alternative as part of a forthcoming EIS.

TDEC has reviewed the NOI and has the following comments regarding the forthcoming TVA GAF EIS:

**Solid Waste**

TDEC notes that the NOI document identifies compliance with the EPA CCR Rule as part of the purpose behind the actions being assessed in the forthcoming EIS document. TDEC recommends that compliance with state rules and litigation also be included in the future scope of the project purpose.

One alternative identified by TVA is closure of all surface impoundments and stilling ponds via closure-by-removal. Under this alternative all removed material would be disposed of in a new on-site landfill and/or a beneficial re-use facility. TDEC recommends that TVA also consider an alternative that evaluates environmental impacts associated with storage of CCR materials removed from surface impoundments and stilling ponds in the existing on-site landfill, or in an expansion of the existing on-site landfill.

**Water Resources**

TVA GAF has an existing National Pollution Discharge Elimination Systems (NPDES) Stormwater Construction Permit (CGP) and accompanying Storm Water Pollution Prevention Plan that will likely need to be modified as the work for closure associated with potential alternatives begins.

As TVA considers various alternatives, it should consider the following items. Depending on changes in discharges as the ponds are de-watered, the NPDES permit will have to be modified or a new permit issued. Further, it is likely that in all of the alternatives suggested, a new on-site landfill will require a CGP and a hydrologic determination study by a certified hydrologic professional to identify all of the aquatic resources within the project limits of disturbance to determine the impact to water resources. Lastly, an Aquatic Resources Alteration Permit (ARAP) will most likely be necessary should an alternative which includes construction of a new on-site landfill be pursued. TDEC recommends the Draft EIS reflect the potential for these various permitting requirements based on the proposed action and its alternatives.

Additionally, there has been ground water contamination identified at GAF, which will necessitate post-closure groundwater monitoring. TDEC recommends TVA include these considerations in the Draft EIS.

It should be noted that TVA may choose to pursue CCR impoundment closure-in-place at any of its Fossil Plants. However, should TVA begin CCR surface impoundment closures at any of its Tennessee Fossil Plants and TDEC subsequently determines based on soil, surface water, ground water and/or geologic instability that closure in place is not protective of public health and/or the environment, then TDEC shall, in accordance with the Commissioner's Order, require TVA to commence appropriate corrective action including removal of CCR surface impoundments where TVA has begun or completed closure-in-place. Further, TVA is on notice that Tennessee Code Annotated Section 68-211-106(j) may require a permit or other approval from TDEC for the disposal or use of coal ash.

Please note that more information is necessary to evaluate the beneficial re-use of CCR materials as considered in the forthcoming EIS, and that the heavy metal content of some materials will have to be considered as part of any beneficial re-use application. TDEC appreciates the opportunity to comment on this NOI. Please note that these comments are not indicative of approval or disapproval of the potential action or its alternatives, nor should they be interpreted as an indication regarding future permitting decisions by TDEC. Please contact me should you have any questions regarding these comments.

Sincerely,



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